

**Dettlinger, Carl**

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**From:** Ned Mulcahy <ned@gasp-pgh.org>  
**Sent:** Tuesday, March 15, 2022 11:31 PM  
**To:** AQ Permits  
**Subject:** Comments on Draft TVOP for US Steel Clairton Plant (0052)  
**Attachments:** GASP-ClairtonTVOP-comments-final.pdf

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Good evening.

Attached please find GASP's comments on the Clairton Coke draft TVOP.

Best,

Ned

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March 15, 2022

**VIA EMAIL: [aqpermits@alleghenycounty.us](mailto:aqpermits@alleghenycounty.us)**

Allegheny County Health Department  
Air Quality Program  
301 39<sup>th</sup> Street  
Pittsburgh, PA 15201

**Re: Comments on draft operating permit for United States Steel – Clairton Plant (0052)**

To Whom it Concerns:

Kindly accept for consideration the attached comments of the Group Against Smog and Pollution regarding the draft operating permit for United States Steel's Clairton Coke facility.

Very truly yours,

/s/

Ned Mulcahy  
Staff Attorney

*attachment*

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**COMMENTS BY OF THE GROUP AGAINST SMOG AND POLLUTION  
REGARDING THE DRAFT TITLE V OPERATING PERMIT FOR  
U.S. STEEL’S CLAIRTON COKE WORKS (#0052-OP22)**

**I. THE PERMIT MUST INCLUDE A COMPLIANCE SCHEDULE**

A Title V Operating Permit for a facility that is not in compliance with applicable emission limits must incorporate a “compliance schedule,”<sup>1</sup> which identifies “remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the term of the permit issuance.”<sup>2</sup> Noncompliance with air quality regulations at the Clairton Coke Works (“Clairton Works” or “Facility”) extends – in one form or another – from 1972 up through the present day. The draft Title V Operating Permit (“Permit” or “Draft Permit”) must be revised to incorporate a compliance schedule that will ensure the Facility is fully in compliance with all applicable air quality regulations, once and for all.

**A. Recent and Ongoing Noncompliance Plainly Requires a Compliance Schedule**

U.S. Steel and the Allegheny County Health Department (“ACHD” or “Department”) entered into Settlement Agreement and Order # 19060 on June 27, 2019, thereby resolving three Enforcement Orders and one Administrative Order issued by ACHD against U.S. Steel over the

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<sup>1</sup> 40 C.F.R. § 70.6(c)(3); *see also* Art. XXI § 2103.12.d (“Non-Complying Sources. An Operating Permit may be issued under this Subpart for an existing source which cannot demonstrate compliance with the applicable emission limitations established by this Article if such permit . . . also expressly includes conditions constituting an enforceable compliance schedule for achieving, demonstrating, and maintaining compliance with such emissions limitations.”); *see also* Art. XXI § 2103.12.h.3 (Standard Compliance Requirements. All permits issued under this Subpart shall include the following elements with respect to compliance: A schedule of compliance consistent with the requirements of this Article.”).

<sup>2</sup> 40 C.F.R. § 70.5(c)(8)(iii)(C); *see* Art. XXI, § 2103.11.b.8.D-F; *see also In the Matter of Owens-Brockway Glass Container, Inc., Multnomah County, Oregon*, 2021 EPA CAA Title V LEXIS 5, \*80 (May 10, 2021) (stating: “The Petitioners have demonstrated that [the facility] was not in compliance with the terms of the Final Permit at the time of permit issuance. Therefore, the Petitioners have demonstrated that the Final Permit should have had a compliance schedule”).

year prior thereto.<sup>3</sup> Alleged violations in those Orders collectively occurred between the third quarter of 2017 and the first quarter of 2019 and covered various issues at the Facility.<sup>4</sup>

Since finalizing the Settlement, the Clairton Works has failed to comply – more or less continuously – with a number of its permit limits on visible emissions from door areas as well as permit limits on visible emissions during charging, soaking, pushing, and travelling. This continuing and ongoing noncompliance is evidenced by ACHD’s “Demands for Stipulated Penalties Under Settlement Agreement and Order #190604 Section IX. Stipulated Penalties,” dated January 14, 2020; May 28, 2020; March 12, 2021; June 4, 2021, and March 2, 2022, as well as ACHD’s Enforcement Order # 220302, for exceedances of Pennsylvania’s state ambient air quality standard for hydrogen sulfide that the Facility caused.<sup>5</sup> Further, ACHD’s website states that U.S. Steel continues to be “non-compliant” with the terms of its existing Title V Operating Permit.<sup>6</sup>

Despite the Clairton Works’ noncompliance with the terms of its existing Title V Operating Permit, the Draft Permit does not incorporate a compliance schedule that identifies “remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the term of the permit issuance” as required by Article XXI sections 2103.11 and 2103.12 as well

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<sup>3</sup> ACHD Enforcement Order Nos. 180601, 190305, and 190501; ACHD Administrative Order No. #181002-Revised; see ACHD Legal Docket: <https://www.alleghenycounty.us/Health-Department/Resources/Legal/Docket.aspx>.

<sup>4</sup> *Id.*

<sup>5</sup> See Air Quality Enforcement Actions, <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Enforcement-Actions.aspx>; see also Air Quality Program, ACHD, *Analysis and Attribution of Hydrogen Sulfide (H<sub>2</sub>S) Exceedances at the Liberty Monitoring Site from January 1, 2020 through March 1, 2022* (March 3, 2022), online at [https://www.alleghenycounty.us/uploadedFiles/Allegheny\\_Home/Health\\_Department/Programs/Air\\_Quality/H2S\\_Report\\_03032022.pdf](https://www.alleghenycounty.us/uploadedFiles/Allegheny_Home/Health_Department/Programs/Air_Quality/H2S_Report_03032022.pdf).

<sup>6</sup> See Compliance Status Report, <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Compliance-Status-Report.aspx> (last checked March 14, 2022).

as 40 C.F.R. §§ 70.5(c)(8)(iii)(C) and 70.6(c)(3). The Draft Permit must be revised to incorporate such a compliance schedule.<sup>7</sup>

**B. Decades of Noncompliance at the Clairton Works Demands a Comprehensive Review and Analysis of the Compliance Schedule**

The required compliance schedule must “resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.”<sup>8</sup> While recent evidence of continuing and ongoing noncompliance abounds (discussed *supra*), noncompliance with air quality regulations and subsequent litigation or administrative action involving the Clairton Works extends back decades. To wit:

1. The Commonwealth of Pennsylvania and County of Allegheny filed a complaint in equity against U.S. Steel Corporation in February 1972 alleging violations of state air pollution laws.<sup>9</sup> The case docket indicates this matter was active through 1977, coincidentally the same year a U.S. Environmental Protection Agency (“US EPA”) publication noted significant noncompliance issues at the Facility.<sup>10</sup>
2. On May 22, 1979, the US EPA filed a Complaint in the U.S. District Court for the Western District of Pennsylvania against U.S. Steel, alleging numerous violations of

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<sup>7</sup> See *In the Matter of Owens-Brockway*, at \*82 (ordering the permitting authority to revise a Title V Operating Permit to incorporate a compliance schedule where “PM violations” were identified in the “petition and Administrative Orders”).

<sup>8</sup> 40 C.F.R. § 70.5(c)(8)(iii)(C).

<sup>9</sup> Allegheny Cty. Ct. Com. Pl., Case no. 1550 April Term 1972.

<sup>10</sup> Office of Enforcement, US EPA, *Air and Water Compliance Summary for the Iron and Steel Industry*, at 228 (October 20, 1977) (“In violation; on compliance schedule through 1987 calling either for shut down, rehabilitation, or replacement with new batteries. Most of schedule past 1979.”).

- the Clean Air Act.<sup>11</sup> This matter involved several modifications to the original Consent Decree and various noncompliance issues appear to have spanned the entire subsequent decade.<sup>12</sup>
3. On February 25, 1991, the US EPA again filed a Complaint against US Steel in the U.S. District Court for the Western District of Pennsylvania alleging numerous violations of the Clean Air Act and the earlier Consent Decree entered into by U.S. Steel.<sup>13</sup> A Consent Decree was entered in 1993 and regular, required updates were submitted to ACHD at least through 2001.
  4. On June 1, 2007, US Steel entered into a Consent Agreement to correct high priority particulate matter violations that ACHD determined were occurring at Battery B since at least September 2005.<sup>14</sup>
  5. US Steel entered into a Consent Agreement with ACHD on March 17, 2008, covering violations of combustion stack opacity limits and pushing emission standards.<sup>15</sup> This Agreement was amended November 19, 2008, and then again September 30, 2010,

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<sup>11</sup> W.D. Pa., Civil Action No. 79-709.

<sup>12</sup> See National Enforcement and Investigations Center, US EPA, *NEIC Inventory of EPA Consent Decrees, Region III*, (August 23, 1983); see also National Enforcement and Investigations Center, US EPA, *Multi-Media Noncompliance Profile, Region III*, Table 1 (June 1988) (Table 1 lists “Significant Violators in Air”); see also National Enforcement and Investigations Center, US EPA, *Multi-Media Noncompliance Profile Corporate Cross-Regional Identification Program, Region III*, Tables 1, 4, & 5 (December 1990) (Table 1 lists “Noncompliance Sources in Air”; Table 4 lists “Multi-Media”; Table 5 lists “Multi-Regional Listing of Noncompliance Sources”).

<sup>13</sup> W.D. Pa., Civil Action No. 91-329; see also Office of Enforcement, US EPA, 300-R92-008, *Enforcement Accomplishments Report FY 1991*, p. 4-5 (April 1992) (“A Clean Air Act civil complaint against USX Corporation for violations of the CAA and the Pennsylvania / Allegheny County State Implementation Plan at various sources (coke oven battery, bleeder stacks, and quench towers) at USX’s coke plant in Clairton, PA, was filed on February 25, 1991, in the U.S. District Court for Western Pennsylvania. The violations involve the venting of raw coke oven gas at the bleeder stacks and the use of contaminated water to cool hot coke at the quench towers. The violations are alleged to have occurred on several occasions since 1987.”)

<sup>14</sup> ACHD Statement of Violation No. 060207.

<sup>15</sup> No case or other identifying information available for this COA or its amendments.

- adding various maintenance and repair requirements. A third Amendment dated July 7, 2011, superseded prior Amendments and the prior June 1, 2007, Agreement.
6. On August 7, 2014, U.S. Steel and the Department entered into a Consent Order and Agreement to address continuous charging emission violations at the newly constructed Battery C.
  7. Additional overlapping matters related to the 2007 and 2008 Agreements were addressed in a Consent Judgment dated March 24, 2016.<sup>16</sup>
  8. Over many years various enforcement actions occurred. A full list is not readily available but relevant matters include ACHD Enforcement Order Nos. 161 (July 23, 1990), 191 (February 19, 1993), 200 (November 17, 1994), and 234 (December 30, 1996).

Given the size and complexity of this Facility, and in light the vast history of noncompliance at the Facility, ACHD and US EPA must undertake a comprehensive review of compliance matters at the Clairton Works before drafting the required compliance schedule.

## **II. THE PERMIT MUST INCLUDE MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS THAT ARE SUFFICIENT TO ASSURE COMPLIANCE WITH THE EMISSION LIMITS THAT THE PERMIT ESTABLISHES**

A Title V Operating Permit must require “compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.”<sup>17</sup> A monitoring requirement is sufficient to assure compliance with a

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<sup>16</sup> Allegheny Cty. Ct. Com. Pl., Case No. GD-16-004611.

<sup>17</sup> Art. XXI § 2103.12.h.1; *accord Sierra Club v. Environmental Prot. Agency*, 536 F.3d 673, 677 (D.C. Cir. 2008) (finding that 42 U.S.C. § 7661c(e) requires all Title V Operating Permits to include monitoring requirements sufficient to assure compliance with permit terms).

permit requirement if it “yield[s] reliable data from the relevant time period that is representative of compliance with the permit.”<sup>18</sup> If a monitoring requirement is based on an emission factor, the permitting authority must be able to demonstrate that the emission factor is actually “indicative of the emissions” at the facility.<sup>19</sup>

As explained more fully below, the Draft Permit establishes emission limits for a number of sources within the Facility but does not include monitoring, recordkeeping, or reporting requirements that would assure compliance with them. The Draft Permit must be revised to include monitoring, recordkeeping, and reporting requirements that are sufficient to assure compliance with all of the emission limits that the Permit establishes.

#### **A. No. 1 and No. 2 Continuous Barge Unloaders**

The Draft Permit establishes hourly and annual limits for emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Facility’s No. 1 and No. 2 Continuous Barge Unloaders.<sup>20</sup> However, the only monitoring required for these sources is a once-per-year observation of visible emissions.<sup>21</sup> Because visible emissions are not the same thing as emissions of PM, PM<sub>10</sub>, or PM<sub>2.5</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Accordingly, the Department must revise the Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit’s limits on emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the No. 1 and No. 2 Continuous Barge Unloaders. If those emission limits are derived from emission factors (based,

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<sup>18</sup> *In the Matter of United States Steel Corp. – Granite City Works*, 2011 EPA CAA Title V LEXIS 2, \*52 (Jan. 31, 2011).

<sup>19</sup> *See id.*

<sup>20</sup> *See* Draft Permit, §§ V.R.1.e and V.R.1.f.

<sup>21</sup> *See id.*, § V.R.3.



for example, on tons of coal throughput), the Department should revise the Draft Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

### **B. Pedestal Crane Unloader**

The Draft Permit establishes hourly and annual limits for emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Facility's Pedestal Crane Unloader.<sup>22</sup> However, the only monitoring required for this source is a once-per-year observation of visible emissions.<sup>23</sup> Because visible emissions are not the same thing as emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Accordingly, the Department must revise the Draft Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Pedestal Crane Unloader. If those emission limits are derived from emission factors (based, for example, on tons of coal throughput), the Department should revise the Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

### **C. Coal Transfer Process**

The Draft Permit establishes hourly and annual limits for emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Facility's Coal Transfer Process.<sup>24</sup> However, the only monitoring required for

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<sup>22</sup> See *id.*, § V.S.1.c.

<sup>23</sup> See *id.*, § V.S.3.

<sup>24</sup> See *id.*, § V.T.1.d.

this source is a once-per-year observation of visible emissions.<sup>25</sup> Because visible emissions are not the same thing as emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Accordingly, the Department must revise the Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Coal Transfer Process. If those emission limits are derived from emission factors (based, for example, on tons of coal throughput), the Department should revise the Draft Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

#### **D. Surge Bins and Bunkers**

The Draft Permit establishes hourly and annual limits for emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Facility's Surge Bins and Bunkers.<sup>26</sup> However, the only monitoring required for this source is a once-per-year observation of visible emissions.<sup>27</sup> Because visible emissions are not the same thing as emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Accordingly, the Department must revise the Draft Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Surge Bins and Bunkers. If those emission limits are derived from emission factors (based, for example, on tons of pulverized coal

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<sup>25</sup> See *id.*, § V.T.3.

<sup>26</sup> See *id.*, § V.V.1.c.

<sup>27</sup> See *id.*, § V.V.3.

throughput), the Department should revise the Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

#### **E. Coke Transfer Process**

The Draft Permit establishes hourly and annual limits for emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Facility's Coke Transfer Process, which includes two sources.<sup>28</sup> However, the only monitoring required for these sources is a once-per-year observation of visible emissions.<sup>29</sup> Because visible emissions are not the same thing as emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions. Accordingly, the Department must revise the Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> from the Coke Transfer Process. If those emission limits are derived from emission factors (based, for example, on tons of metallurgical coke throughput), the Department should revise the Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

#### **F. No. 1 and No. 2 Coke Screening Stations**

The Draft Permit establishes hourly and annual limits for emissions of PM and PM<sub>10</sub> from the Facility's No. 1 and No. 2 Coke Screening Stations.<sup>30</sup> However, the only monitoring

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<sup>28</sup> See *id.*, §§ V.W.1.c and V.W.1.d.

<sup>29</sup> See *id.*, § V.W.3.

<sup>30</sup> See *id.*, §§ V.X.1.d and V.X.1.e.

required for this source is a once-per-year observation of visible emissions.<sup>31</sup> Because visible emissions are not the same thing as emissions of PM or PM<sub>10</sub> it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM and PM<sub>10</sub> emissions. Accordingly, the Department must revise the Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM and PM<sub>10</sub> from the No. 1 and No. 2 Coke Screening Stations. If those emission limits are derived from emission factors (based, for example, on tons of metallurgical coke throughput), the Department should revise the Draft Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

#### **G. Coal and Coke Recycle Screening Process**

The Draft Permit establishes hourly and annual limits for emissions of PM and PM<sub>10</sub> from the Facility's Coal and Coke Recycle Screening Process.<sup>32</sup> However, the only monitoring required for this source is a monthly observation of visible emissions.<sup>33</sup> Because visible emissions are not the same thing as emissions of PM and PM<sub>10</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM and PM<sub>10</sub> emissions. Accordingly, the Department must revise the Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM and PM<sub>10</sub> from the Coal and Coke Recycle Screening Process. If those emission limits are derived from emission factors (based, for example, on tons of coal and

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<sup>31</sup> See *id.*, § V.X.3.

<sup>32</sup> See *id.*, § V.Z.1.c.

<sup>33</sup> See *id.*, § V.Z.3.

metallurgical coke throughput), the Department should revise the Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

#### **H. Peters Creek Coke Screening Process**

The Draft Permit establishes hourly and annual limits for emissions of PM and PM<sub>10</sub> from the Facility's Peters Creek Coke Screening Process.<sup>34</sup> However, the only monitoring required for this source is a monthly observation of visible emissions.<sup>35</sup> Because visible emissions are not the same thing as emissions of PM and PM<sub>10</sub>, it is not at all apparent how such infrequent monitoring of visible emissions could assure compliance with hourly and annual limits on PM and PM<sub>10</sub> emissions. Accordingly, the Department must revise the Permit to incorporate monitoring requirements that are sufficient to assure compliance with the Permit's limits on emissions of PM and PM<sub>10</sub> from the Peters Creek Coke Screening Process. If those emission limits are derived from emission factors (based, for example, on tons of metallurgical coke throughput), the Department should revise the Permit to require the Facility to keep records that may be used to assure compliance with each of the emission limits, and to report the content of those records.

### **III. THE PERMIT MUST INCLUDE LIMITS ON H<sub>2</sub>S EMISSIONS SUFFICIENT TO GUARANTEE COMPLIANCE WITH PENNSYLVANIA AMBIENT AIR QUALITY STANDARDS FOR H<sub>2</sub>S**

Pennsylvania ambient air quality standards "establish[] the maximum concentrations of air contaminants which will be permitted to exist in the ambient air, at the point of its use, under

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<sup>34</sup> See *id.*, § V.AA.1.c.

<sup>35</sup> See *id.*, § V.AA.3.

various conditions and in various areas of this Commonwealth and to provide standards against which existing air quality may be compared.”<sup>36</sup> The “maximum value[] that may not be exceeded” for hydrogen sulfide (H<sub>2</sub>S) averaged over 24 hours is 0.005 parts per million (ppm).<sup>37</sup> This standard has been in place since October 1969.<sup>38</sup>

The Department is authorized enforce this standard, having incorporated by reference “[a]ll final national and state ambient air quality standards, promulgated by EPA under the Clean Air Act at 40 CFR part 50, and by the state under the Air Pollution Control Act at 25 Pa. Code Chapter 131.”<sup>39</sup> In addition, Allegheny County Air Pollution Control Regulations state that no person “shall willfully, negligently, or through the failure to provide and operate necessary control equipment or to take necessary precautions, operate any source of air contaminants in such manner that emissions from such source . . . [that it causes] an exceedance of the ambient air quality standards established by §2101.10 of this Article.”<sup>40</sup>

Hydrogen sulfide levels measured the ACHD air quality monitor in Liberty Borough (“Liberty monitor”) have exceeded the Pennsylvania 24-hour average H<sub>2</sub>S ambient air quality standard dozens of times per year for at least the past 30 years.<sup>41</sup> Over a more limited timeframe, in ACHD’s Enforcement Order # 220302, the Department “determined that during the period January 1, 2020 through March 1, 2022, emissions from U.S. Steel’s Clairton Coke Plant caused

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<sup>36</sup> 25 Pa. Code § 131.1.

<sup>37</sup> 25 Pa. Code § 131.3.

<sup>38</sup> Bureau of Air Quality, PA DEP, *Assessment of Hydrogen Sulfide Levels in London Grove Township, Chester County, Pennsylvania*, at page 5 n.1 (September 1999) (“The one-hour and 24-hour ambient air H<sub>2</sub>S standards, 100 ppb and 5 ppb, respectively, were adopted on October 20, 1969, by the now defunct Air Pollution Commission.”).

<sup>39</sup> Article XXI § 2101.10.a.

<sup>40</sup> Article XXI § 2101.11.a.2.

<sup>41</sup> See Air Quality Reports and Studies, Annual Air Quality Reports for Allegheny County, <https://www.alleghenycounty.us/Health-Department/Resources/Data-and-Reporting/Air-Quality-Reports/Air-Quality-Reports-and-Studies.aspx>.

exceedances of the [Pennsylvania] H<sub>2</sub>S ambient air concentration standard of 0.005 parts per million by volume-dry (ppm) averaged over a 24-hour period at the Liberty Monitor,” in violation of 25 Pa. Code § 131.3 and Article XXI § 2101.10.

Although the Enforcement Order covers a discrete period of time, the findings therein of no other significant sources of H<sub>2</sub>S in the vicinity of the Liberty monitor and the overwhelming annual emissions of H<sub>2</sub>S from the Clairton Works strongly suggest H<sub>2</sub>S emissions from the Facility – at the very least – will cause or contribute to ongoing exceedances of the state’s 24-hour average H<sub>2</sub>S air quality standard at the Liberty monitor.

As an unresolved and ongoing noncompliance matter, corrective measures to prevent additional exceedances of the state standard should be addressed in the Draft Permit’s compliance schedule (discussed *supra*). In addition, ACHD must demand from U.S. Steel revisions to its Permit application and/or revise the Draft Permit in accordance with the following:

The Department shall not issue or reissue any Operating Permit, or any amended, revised, or modified Operating Permit, under this Subpart, unless it has Received a complete application, including all applicable fees, meeting all applicable requirements of this Article, **and which demonstrates that Emissions from the source will not prevent the attainment and maintenance of any ambient air quality standard established by Section 2101.10 of this Article at any location within the Commonwealth.**<sup>42</sup>

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<sup>42</sup> Article XXI § 2103.12.a.2.F (emphasis added).